

THE HONORABLE ROBERT B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TIMOTHY DRIVER,)	
)	No. C15-05733-RBL
Plaintiff,)	
vs.)	ANSWER AND AFFIRMATIVE DEFENSES
)	TO PLAINTIFF'S COMPLAINT FOR
THURSTON COUNTY,)	DAMAGES
)	
Defendant.)	
)	

I. ANSWER

The Defendant, THURSTON COUNTY, by and through its attorney of record and in answer to Plaintiff's Complaint, admits, denies and alleges as follows:

1. Answering Paragraph 1, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.
2. Answering Paragraph 2, Defendant admits the same.
3. Answering Paragraph 3, Defendant denies the same.
4. Answering Paragraph 4, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.
5. Answering paragraph 5, Defendant admits only that "RCW 36.45.10" does not exist; should Plaintiff be referring to RCW 36.45.010, Defendant admits only that said RCW speaks for itself. Defendant further admits that RCW 4.96.020 speaks for itself.

1 6. Answering Paragraph 6, Defendant denies the same.

2 7. Answering Paragraph 7, Defendant denies the same.

3 8. Answering Paragraph 8, Defendant admits the first sentence thereof. As to the remainder
4 of any allegations contained in said Paragraph 8, Defendant is without information or knowledge
5 sufficient to form a belief as to the truth of said remaining paragraph, and, therefore, denies the same.

6 9. Answering Paragraph 9, Defendant admits only that Lt. Price sent a letter addressed to
7 the Plaintiff dated October 8, 2013 and that the letter speaks for itself.

8 10. Answering Paragraph 10, Defendant is without information or knowledge sufficient to
9 form a belief as to the truth of said paragraph, and, therefore, neither admits nor denies the same.
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11 11. Answering Paragraph 11, Defendant is without information or knowledge sufficient to
12 form a belief as to the truth of said paragraph, and, therefore, denies the same.

13 12. Answering Paragraph 12, Defendant admits only that Plaintiff sent a letter to the Sheriff's
14 Office dated October 12, 2013 and that the letter speaks for itself.

15 13. Answering Paragraph 13, Defendant admits only that Lt. Price sent a letter to the Plaintiff
16 dated October 15, 2013 and that the letter speaks for itself.

17 14. Answering Paragraph 14, Defendant is without information or knowledge sufficient to
18 form a belief as to the truth of said paragraph, and, therefore, denies the same.

19 15. Answering Paragraph 15, Defendant is without information or knowledge sufficient to
20 form a belief as to the truth of said paragraph, and, therefore, denies the same.

21 16. Answering Paragraph 16, Defendant is without information or knowledge sufficient to
22 form a belief as to the truth of said paragraph, and, therefore, denies the same.

23 17. Answering Paragraph 17, Defendant denies the same.
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1 18. Answering Paragraph 18, Defendant denies that there was a letter dated December 3,
2 2013 received by the Sheriff's Office. Defendant further states that it's Risk Management Office
3 informed Plaintiff that the Sheriff did not receive said letter at the same time that it denied Plaintiff's
4 Claim for Damages. Plaintiff failed to resend the letter or even contact the Sheriff further.

5 19. Answering Paragraph 19, Defendant admits only that a Claim for Damages was received
6 from the Plaintiff on April 27, 2013. As to any remaining allegations contained in said Paragraph 19,
7 Defendant denies the same. Furthermore, Defendant specifically denies that Plaintiff is entitled to any
8 award of damages whatsoever.

9 20. Answering Paragraph 20, Defendant admits the same.

10 21. Answering Paragraph 21, Defendant admits the same.

11 22. Answering Paragraph 22, Defendant denies the same.

12 23. Answering Paragraph 23, Defendant admits only that Plaintiff filed a Complaint for
13 Damages on October 1, 2015, with respect to any remaining allegations contained in said Paragraph 23,
14 Defendant denies the same.

15 24. Answering Paragraph 24, Defendant admits only that the Sheriff denied Plaintiff's
16 concealed weapons permit; with respect to any remaining allegations contained in said Paragraph 24,
17 Defendant denies the same.

18 25. Answering Paragraph 25, Defendant admits the same.

19 26. Answering Paragraph 26, Defendant is without information or knowledge sufficient to
20 form a belief as to the truth of said paragraph, and, therefore, denies the same.

21 27. Answering Paragraph 27, Defendant denies the same.

22 28. Answering Paragraph 28, Defendant admits only that the Federal Gun Control Act speaks
23 for itself.
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29. Answering Paragraph 29, Defendant admits only that § 18 U.S.C. 922(g) speaks for itself.

30. Answering Paragraph 30, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.

31. Answering Paragraph 31, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.

32. Answering Paragraph 32, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.

33. Answering Paragraph 33, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.

34. Answering Paragraph 34, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.

35. Answering Paragraph 35, Defendant denies the same.

36. Answering Paragraph 36, Defendant denies the same.

37. Answering Paragraph 37, Defendant denies the same.

38. Answering Paragraph 38, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, neither admits nor denies the same.

39. Answering Paragraph 39, Defendant denies that any mistakes existed to correct and, therefore, denies the same.

40. Answering Paragraph 40, Defendant denies the same.

41. Answering Paragraph 41, Defendant denies the same.

42. Answering Paragraph 42, Defendant denies the same.

43. Answering Paragraph 43, Defendant is without information or knowledge sufficient to form a belief as to the truth of said paragraph, and, therefore, denies the same.

ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S
COMPLAINT FOR DAMAGES - 4

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Thurston County Prosecuting Attorney
Civil Division - Building No. 5
2000 Lakeridge Dr SW
Olympia, WA 98502
360/786-5574 FAX: 360/709-3006

1 44. Answering Paragraph 44, Defendant denies the same.

2 45. Answering Paragraph 45, Defendant denies the same.

3 46. Answering Paragraph 46, Defendant is without information or knowledge sufficient to
4 form a belief as to the truth of said paragraph, and, therefore, denies the same.

5 47. Answering Paragraph 47, Defendant is without information or knowledge sufficient to
6 form a belief as to the truth of said paragraph, and, therefore, denies the same.

7 48. Answering Paragraph 48, Defendant denies the same.

8 49. Answering Paragraph 49, Defendant admits the same.

9 50. Answering Paragraph 50, Defendant admits only that it sent a second letter to Plaintiff
10 and that the letter speaks for itself.

11 51. Answering Paragraph 51, Defendant denies the same.

12 52. Answering Paragraph 52, Defendant admits only that Plaintiff filed a Claim for Damages
13 and that the Claim speaks for itself.

14 53. Answering Paragraph 53, Defendant admits the same.

15 54. Answering Paragraph 53, Defendant is without information or knowledge sufficient to
16 form a belief as to the truth of said paragraph, and, therefore, denies the same.

17 55. Answering Paragraph 55, Defendant is without information or knowledge sufficient to
18 form a belief as to the truth of said paragraph, and, therefore, denies the same.

19 56. Answering Paragraph 56, Defendant is without information or knowledge sufficient to
20 form a belief as to the truth of said paragraph, and, therefore, denies the same.

21 57. Answering Paragraph 57, Defendant denies the same.

22 58. Answering Paragraph 58, Defendant is without information or knowledge sufficient to
23 form a belief as to the truth of said paragraph, and, therefore, denies the same.

1 before or during trial, including asserting other defense theories or conforming the pleadings to the proof
2 offered at the time of trial.

3 **IV. PRAYER FOR RELIEF**

4 WHEREFORE, Defendant prays as follows:

5 That Plaintiff's Complaint be dismissed with prejudice and Plaintiff take nothing thereby, that
6 the Defendant be allowed its costs, disbursements and reasonable attorney fees herein, and that the Court
7 award Defendant such other relief as may be appropriate.

8 DATED this 26th day of October, 2015.

9
10 JON TUNHEIM
PROSECUTING ATTORNEY

11 */s/ John C. Skinder*

12 _____
13 JOHN C. SKINDER, WSBA #26224
14 Senior Deputy Prosecuting Attorney
Attorney for Defendants
15 Civil Division - Building No. 5
2000 Lakeridge Drive SW
Olympia, WA 98502
16 Phone: 360-786-5574 -- Fax: 360-709-3006
SkindeJ@co.thurston.wa.us

17
18 _____
19 I hereby certify that on date listed below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which
provides service to: N/A; and I mailed, via U.S. Mail postage prepaid, a copy of this document to:

20 **Pro Se Plaintiff**

21 Timothy Driver
6426 Tralee Dr NW
Olympia, WA 98502

22 I certify (or declare) under penalty of perjury under the laws of the State of Washington and 28 U.S.C. § 1746 that the foregoing is true and
23 correct. Olympia, Washington.

24 Date: October 26, 2015

25 Signature: */s/ Linda Olsen*

ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S
COMPLAINT FOR DAMAGES - 7

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